

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|----------------------------|
| WILLIAM E. DUGAN, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | CIVIL ACTION |
| |) | |
| REGAN BRUSKI, an individual, d/b/a BB |) | NO. 07 C 6162 |
| EXCAVATING, INC., a dissolved corpora- |) | |
| tion and JEREMY BRUSKI, an individual, |) | JUDGE REBECCA R. PALLMEYER |
| d/b/a BB EXCAVATING, INC., a |) | |
| dissolved corporation, |) | |
| |) | |
| Defendants. |) | |

AFFIDAVIT

| | | |
|-------------------|---|-----|
| STATE OF ILLINOIS |) | |
| |) | SS. |
| COUNTY OF COOK |) | |

CATHERINE M. CHAPMAN, being first duly sworn upon her oath, deposes and states:

1. I am one of the attorneys for the Plaintiffs in the above-entitled action, I have personal knowledge of the facts regarding this matter and the time expended in the prosecution of this action now pending in the United States District Court and, if called as a witness, I am competent to testify in respect thereto.

2. I and my associates have expended one-half hour in the prosecution of the above-entitled action, including the initial investigation and preparation of the Complaint.

3. I have in my possession a complete written record of the hours expended and costs incurred in the prosecution of this action in the form of client billing records which specify the

various activities of Counsel required in the litigation of this matter and confirms the number of hours expended and costs incurred as set forth above.

4. The usual and normal hourly charges by Affiant's law firm for Federal Court litigation under the Labor-Management Relations Act and the Employee Retirement Income Security Act of 1974 range from \$140.00 to \$180.00 per hour for associates and from \$210.00 to \$290.00 per hour for partners based on their level of experience.

5. To the best of my knowledge and belief, the rates charged per hour are less than or equal to the usual and customary rates charged by other law firms doing similar work in the United States District Court for the Northern District of Illinois.

6. Plaintiffs have incurred costs related to the prosecution of this action consisting of \$350.00 for their court filing fee.

7. Section 502(g)(2) of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Section 1132(g)(2) provides that the Court must award a Plaintiff its costs and reasonable attorneys' fees:

In any action under this title by a fiduciary for or on behalf of a plan to enforce Section 515 in which a judgment in favor of the plan is awarded, the Court shall award the plan...(D) reasonable attorneys' fees and costs of the action, to be paid by the defendant....

8. Furthermore, the Trust Agreements governing the Funds, and to which Defendants are bound, provide for payment by the Defendants of all costs of collection, including audit and attorneys' fees incurred by the Plaintiffs.

9. I make this Affidavit in support of the Plaintiffs' Motion for Entry of Default and Judgment and an award of Plaintiffs' costs totaling \$350.00 and Plaintiffs' reasonable attorneys' fees in the sum of \$67.50.

FURTHER AFFIANT SAYETH NOT.

/s/ Catherine M. Chapman

SUBSCRIBED AND SWORN
TO before me this 29th
day of November 2007.

/s/ Deborah A. Farrell

NOTARY PUBLIC

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Catherine M. Chapman) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 4th day of December 2007:

Ms. Regan Bruski, d/b/a BB Excavating, Inc.
3805 Standish Road
Marengo, IL 60152

Mr. Jeremy Bruski, d/b/a BB Excavating, Inc.
3805 Standish Road
Marengo, IL 60152

/s/ Beverly P. Alfon

Beverly P. Alfon
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